

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LAWRENCE H. GRESS, and on behalf of himself
and others similarly situated,

Plaintiff,

v.

COMMONWEALTH EDISON COMPANY, an
Illinois corporation; JOHN DOES 1-100,

Defendants.

Case No. 1:20-cv-04405

**MOTION FOR ENTRY OF PRE-TRIAL
ORDER**

STEVEN BROOKS, DAVID CHAVEZ, and 1540
N. MILWAUKEE LLC d/b/a DSTRKT BAR &
GRILL,, for themselves individually and for all
class members similarly situated,

Plaintiffs,

v.

COMMONWEALTH EDISON COMPANY, d/b/a
ComEd and EXELON CORPORATION,

Defendants.

Case No. 1:20-cv-04555

SOUTH BRANCH LLC, TFO GOLUB
BURNHAM LLC, d/b/a THE BURNHAM
CENTER, TFO GOLUB IT 2.0 LLC, d/b/a
INTERNATIONAL TOWER, and ROCKWELL
ON THE RIVER LLC, for themselves individually
and for all class members similarly situated,

Plaintiffs,

v.

COMMONWEALTH EDISON COMPANY d/b/a
ComEd; and EXELON CORPORATION,

Defendants.

Case No. 1:20-cv-04980

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Liaison Counsel

On December 2, 2020, this Court granted the motion by the “Gress-Brooks-South Branch group” to be designated “as interim class counsel” under Federal Rule of Civil Procedure 23(g)(3). Doc. 64. As the Court directed, Interim Class Counsel have agreed upon a leadership structure as well as guidelines for the efficient management of the litigation. Plaintiffs respectfully request that the Court enter a pretrial order formalizing those arrangements. The Proposed Order has been emailed to the Court.

Federal courts, when appointing leadership in complex cases, regularly issue pre-trial orders assigning duties to lead and liaison counsel, and otherwise setting out the Court’s expectations for how the litigation will be conducted. *See* Manual for Complex Litigation (4th) § 40.2 (sample case-management orders). A similar order was issued by Judge Gottschall in *In re: Navistar Maxxforce Engines Mktg., Sales Practices and Prods. Liab. Litig.*, No. 14-10318, Doc. 27 (N.D. Ill. Mar. 15, 2015), and is attached as **Exhibit A**. In Interim Class Counsel’s experience, such orders are useful in setting out ex ante the authority and duties of appointed counsel, and concrete procedures and expectations for the work done on the case, and the time and costs to be submitted in any fee petition.

The Proposed Order would do the following:

1. Designate the leadership structure and make clear the duties and responsibilities of Co-Lead Counsel, Liaison Counsel, and the Executive Committee to maximize litigating this action effectively and efficiently;
2. Set forth guidelines for fee and expense allocation in order to ensure that all proposed fees and costs are accurate and reasonable; and
3. Adopt case management protocols for Interim Co-Lead Counsel regarding the management of case-staffing, timekeeping, cost reimbursement, and related common benefit

issues in order to ensure the balance of efficient management of this multi-district litigation with the need to maintain quality and thoroughness in prosecuting this case.

Interim Class Counsel consulted with counsel for Defendants, who stated that Defendants take no position on this motion.

For all of the foregoing reasons, Plaintiffs respectfully request that the Court enter Plaintiffs' Proposed Pre-Trial Order Regarding Structure and Responsibilities of Interim Class Counsel and Guidelines for the Efficient Management of Litigation.

December 22, 2020

Respectfully submitted,

/s/ Jonathan D. Selbin
Jonathan D. Selbin

/s/ Derek W. Loeser
Derek W. Loeser

/s/ Matthew J. Piers
Matthew J. Piers

Interim Co-Lead Counsel

CERTIFICATE OF SERVICE

I certify that on December 22, 2020, I served the foregoing document via ECF to all parties of record.

/s/ Andrew R. Kaufman